

VILLAGE OF BREWSTER BOARD OF TRUSTEES
RESOLUTION NO: 031721-2

A meeting of the Board of Trustees of the Village of Brewster was convened in public session at the Zoom Cloud Meeting ID 207 812 8623, Brewster, New York, on March 17, 2021 at 7:30 p.m. local time.

DATE OF CONSIDERATION/ADOPTION: March 17, 2021

RESOLUTION AUTHORIZING THE ADOPTION, PUBLICATION AND MAILING BY THE VILLAGE OF BREWSTER OF THE DETERMINATION AND FINDINGS (AS DEFINED BELOW) UNDER SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW CONCERNING THE PROPOSED CONDEMNATION OF CERTAIN REAL PROPERTY AS DEFINED IN THE DETERMINATION AND FINDINGS

WHEREAS, in furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, as amended, the **VILLAGE OF BREWSTER** (hereinafter the "Village") has undertaken a program for the acquisition, clearance, building, demolition, replanning, reconstruction and neighborhood rehabilitation of certain areas in the Village and has been engaged in an urban renewal program of certain areas in the Village downtown area, resulting in the preparation and adoption of an update to the Village's Comprehensive Development Plan (as updated, the "Comprehensive Plan") by resolution of the Village Board of Trustees dated June 17, 2015; and

An Urban Renewal Area was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the "Act") which authorizes the Village to "acquire by purchase, gift, devise, lease, condemnation or otherwise, in accordance with the provisions of the appropriate general, special or local law applicable to the acquisition of real property by such municipality, real property or any interest therein...necessary for or incidental to a program of urban renewal" and necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, the Village desires to exercise its power of eminent domain, if necessary, for the "acquisition" of all or portions of certain "real property" (as such quoted terms are defined in the New York Eminent Domain Procedure Law, herein the "EDPL") located in the Village of Brewster, Town of Southeast, County of Putnam, State of New York and consisting of twenty-five (25) tax parcels identifiable by the street addresses and tax identification numbers as set forth on the Parcel List annexed hereto as Exhibit "A" and made a part hereof as if set forth in full herein, (collectively referred to as the "Parcels"), all in connection with the Project (as defined in the hereinafter defined Determination and

Findings); and

WHEREAS, in accordance with the EDPL, the Agency conducted a duly noticed public hearing on February 17, 2021 at 7:30 p.m. to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed and at the public hearing, the public was provided an opportunity to provide any comments and written comments were accepted by the Village through February 24, 2021 (such comment period collectively with the aforementioned hearing record hereinafter referenced to as the "Hearing"); and

WHEREAS, by resolution adopted prior hereto on June 17, 2015, the Village, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"), issued a Negative Declaration (as that term is defined under SEQRA) determining that the Project is a Type I Action and the general effect on the environment of the Village's proposed acquisition of the Parcels is that the acquisition will have no significant adverse effect on the environment, thereby satisfying the applicable requirements set forth in SEQRA, as necessary; and

WHEREAS, the Village, having considered the foregoing, now desires to adopt and publish the Determination and Findings in accordance with the EDPL and any applicable laws, rules or regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BREWSTER AS FOLLOWS

Section 1. The Village Board of Trustees, pursuant to Section 204 of the EDPL, hereby (i) adopts the determination and findings in the form presented at this meeting with such changes as approved by counsel to the Village (the "Determination and Findings") as more fully set forth in Exhibit B annexed hereto and made a part hereof; and (ii) authorizes and directs the Village Mayor, and all appropriate officers, employees and agents of the Village including, without limitation, including Village Counsel, to: (A) publish a brief synopsis of the Determination and Findings; (B) serve by personal service or certified mail, return receipt requested, a notice of such brief synopsis to each assessment record billing owner or the attorney of record, whose property may be acquired; and (C) take all steps appropriate to comply with applicable provisions of the EDPL and all other applicable laws, rules or regulations to implement this Resolution.

Section 2. This Resolution shall take effect immediately.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

EXHIBIT A
PARCEL LIST

Property Address	Record Owner	Tax Identification #
31 Main Street	LTD Sprague Inn	67.34-2-55
35 Main Street	Mahogany Ridge Associates	67.34-2-54
15 Park Street	Mahogany Ridge Associates	67.42-1-3
47-49 Main Street	Marst Holding Co LLC	67.34-2-52
52 Main Street	Playhouse Building Inc.	67.34-2-6
55-61 Main Street	Tamarabros LLC	67.34-2-51
65 Main Street	Nuvance Health	67.34-1-2
2 Marvin Avenue	Iglesia Fuente De Garcia Inc.	67-42-1-2
4 Park Street	Iglesia Fuente De Garcia Inc.	67.42-1-6
5 Park Street	Llir Cubi	67-42-1-5
7 Park Street	Northeastern Conference Center	67-42-1-4
80-88 Main Street	Brewster Commons LLC	67.34-2-17
20 Garden Street	20 Garden Street LLC	67-34.1.37
56-62 Main Street	Hi-Keung Kwok	67.34-2-7
66-70 Main Street	56-70 Main Street Corp	67.34-2-8
72 Main Street	Axel Development Corp	67.34-2-14
74 Main Street	Axel Development Corp	67.34-2-15
39 Main Street	Park-Main LLC	67.34-2-53
10 Marvin Avenue	ADC Putnam Homes LLC	67.42-1-7
90-94 Main Street	Theater One LLC	67.34-2-18
98-100 Main Street	Little Apple Partnership LLC	67.34-2-19
104 Main Street	Martingale Management LLC	67.34-2-20
35 Oak Street	Martingale Management LLC	67.34-2-31
390 Railroad Avenue	City of New York DEP	67.11-2-3

EXHIBIT "B"
DETERMINATION AND FINDINGS OF THE BOARD OF TRUSTEES OF THE VILLAGE OF BREWSTER ADOPTED PURSUANT TO SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW FOR THE ACQUISITION OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THE VILLAGE OF BREWSTER, TOWN OF SOUTHEAST, COUNTY OF PUTNAM, STATE OF NEW YORK COMPRISING TWENTY-FIVE (25) TAX PARCELS LOCATED WITHIN THE URBAN RENEWAL AREA ESTABLISHED FOR THE VILLAGE OF BREWSTER

Overview and Background

In furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, as amended (the "GML"), the Village has undertaken a program for the acquisition, clearance, building demolition, replanning, reconstruction and neighborhood rehabilitation of certain areas in the Village and has been engaged in an urban renewal program of certain areas in the Village downtown area. In order to achieve these goals, it may be necessary for the Village to exercise its rights under the Eminent Domain Procedure Law of the State of New York (the "EDPL") to acquire by eminent domain privately held properties within the overall project area as hereinafter described.

The Village entered into a certain Memorandum of Understanding (the "MOU") with Covington Development LLC ("Covington") dated July 22, 2013, and thereafter Covington and the Village, with their respective consultants, and with the input of the Comprehensive Master Plan Committee and the public elicited at several public informational meetings, collaboratively formulated, and the Village Board of Trustees duly adopted (i) an update to the Village's Comprehensive Development Plan (as updated, the "Comprehensive Plan") by resolution of the Village Board of Trustees dated June 17, 2015; and (ii) by resolution dated November 18, 2015, zoning code amendments, sign code amendments, and planning amendments to the Brewster Village Code (the "Code Amendments") applying to properties in the Village both within and outside a conceptual urban renewal area that would give effect to the Comprehensive Plan.

The Comprehensive Plan Update ("CPU") followed, and is consistent with, certain other plans and studies obtained by, or submitted to, the Village, including (i) a Niche Marketing Plan dated March 2009 prepared by E.M. Pemrick & Company; (ii) a plan entitled Envision Brewster prepared by Hudson Valley Pattern for Progress Fellows; (iii) a "Blight Study" prepared by VHB Engineering, Surveying and Landscape Architecture, P.C. ("VHB") dated September, 2014, revised to February 2015; and (iv) a "Preliminary Market Feasibility Analysis of the Brewster NY Market for Transit Oriented Development" prepared by Goman & York dated June, 2014 (collectively, the "Studies"). The Studies, collectively, (i) assessed existing conditions in the study areas and identified areas which would be appropriate for urban renewal; (ii) recommended methods for the revitalization of blighted areas to promote economic growth of the Village, the maintenance of the historic character of the Village; and the removal of existing blighted, substandard and insanitary conditions, and which, generally, determined the benefits to be afforded to the public health, safety and welfare upon implementation of an overall urban renewal program in accordance with the Comprehensive Plan.

The adoption of the CPU and the Code Amendments followed the acceptance by the Village Board of Trustees of a "Final Generic Environmental Impact Statement for the 2015 Update to the Comprehensive Plan, Related Zoning Amendments and Urban Renewal Actions" by resolution dated June 17, 2015²⁰¹⁵ which set forth responses to questions raised in the "Draft Generic Environmental Impact Statement for the 2015 Update to the Brewster Comprehensive Plan, Impact Statement for the 2015 Update to the Comprehensive Plan, Related Zoning Amendments and Urban Renewal Actions" (the "FGEIS"), all in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the implementing regulations set forth in 6 NYCRR Part 617 ("SEQRA").

Pursuant to GML Section 505(2), the Board of Trustees referred to the Village Planning Board a certain "Urban Renewal Plan for the Brewster Urban Renewal Area" prepared by VHB dated August 2015, which was approved by the Village Planning Board, with recommendations for modifications, by resolution adopted on February 17, 2016. By resolution adopted on May 18, 2016, in furtherance of the goals of the Comprehensive Plan, the Village Board of Trustees, pursuant to and in accordance with the applicable provisions of the GML, adopted a certain "Urban Renewal Plan for the Brewster Urban Renewal Area" (the "URP"), which incorporated the modifications recommended by the Planning Board, thereby establishing an Urban Renewal Area (alternatively, the "URA" or the "Project Area") which is shown in the URP and includes various sub-areas as described therein.

In furtherance of and consistent with the MOU, Covington and the Village entered into a certain "Land Acquisition and Development Agreement" (the "LADA") dated as of January 6, 2017, as authorized by a certain resolution of the Board of Trustees adopted on January 14, 2017. The LADA established a public-private partnership between the Village and Covington for, generally, the development of the Project Area by Covington. To be implemented, the various phases of the development will require, *inter alia*, (i) the obtaining of site plan approval and all other required permits and approvals from all governmental boards, departments and agencies having jurisdiction of the Project Area; (ii) all required infrastructure, including, but not limited to, sewer, water, utility supply, parking and traffic improvements; (iii) stormwater management facilities; (iv) compliance with the New York State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617 *et seq.*, and any and all other governmental laws, rules and regulations applicable to the Project; and (v) the acquisition and disposition of lands, including buildings and improvements situated thereon, within the Project Area as necessary or desirable for the implementation of the final development plans for each development phase (collectively, the "Project Plans"), including private acquisition of parcels located in the Project Area and acquisitions and dispositions via the Village's exercise of condemnation and eminent domain pursuant to and in accordance with the EDPL .

The properties designated by the Village as being within the URA are shown on the map entitled "Urban Renewal Area and Redevelopment Sub-Area" as Exhibit 1 to the "Urban Renewal Plan for the Brewster Urban Renewal Area dated April 2016" and other areas that the Village deems appropriate within the boundaries of the Comprehensive Plan Area (said other areas being included within the term "Project Area" as used herein), include (i) certain properties owned by the Village (each, a "Village Property", and, collectively, the "Village Properties"), which are currently contemplated to remain in Village ownership; (ii) certain properties in

private and/or nongovernmental ownership (the "Privately Owned Parcels"); and (iii) other properties owned by other governmental entities, authorities or agencies, including any used for transit related purposes (the "Transit Properties"), with the Privately Owned Parcels and Transit Properties being hereinafter collectively referred to as "Other Development Parcels" or "ODPs". The ODPs include three (3) parcels of land owned by the City of New York which are to be conveyed to the Village of Brewster pursuant to a certain agreement by and among the City of New York acting by and through its Department of Environmental Protection, the County of Putnam and the Village dated as approved by unanimous vote of the Village of Brewster Board of Trustees on February 17, 2021.

In furtherance of the objectives of the Project, and consistent with the terms and conditions of the LADA, (i) the Village desires to facilitate redevelopment, enhance neighborhood attractiveness, and advance economic development for the Project Area with the participation of as many ODPs as possible through a mixture of residential, commercial, retail, hospitality, parking, recreational and other appropriate uses on, in and adjacent to the Project Area; and (ii) Covington or its assignee (collectively, "Covington") will endeavor to acquire the Privately Owned Parcels through private negotiation and purchase, but, if unable to do so, may request the Village to acquire one or more, or all, Privately Owned Parcels, by condemnation, whereupon the Village will acquire the Privately Owned Parcels either through private negotiation or through the exercise of the power of eminent domain and condemnation under the EDPL, and thereafter transfer title to, or lease same to Covington.

The subject action, namely the adoption by the Board of Trustees of findings under EDPL Section 204 in order to authorize and commence the process of acquiring parcels of land to implement an urban renewal program, is the latest step in the overall urban renewal process, and is consistent with the stated purposes and goals of the Comprehensive Plan and URP, all as considered by the Board in its acceptance of the DGEIS and adoption of the FGEIS.

Substantive and Procedural Authority

In addition to the powers delegated to municipalities to exercise the power of eminent domain pursuant to Sections 74 and 506 of the GML, and in furtherance of the objectives and purposes specified in GML Articles 15 and 15-a, the Village is authorized pursuant to the Urban Renewal Law:

to acquire by purchase, gift, devise, lease, *condemnation* or otherwise ..., for the elimination of the blighting influences of an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area, necessary for or incidental to a program of urban renewal for residential, commercial, industrial, public, semi-public, community or other uses or combinations of such uses *in accordance with an urban renewal plan for a designated area, or for a part or portion of such area, The acquisition of real property within a designated urban renewal area shall in every case be deemed to be and constitute a continuous rather than separate takings.* [GML §506][emphasis added]

The purpose of providing the Village with such powers is to, among other things, enable the Village to carry out urban renewal programs, including, but not limited to, the following:

A program established, conducted and planned by a municipality for the redevelopment, through clearance, re-planning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreational and other facilities incidental or appurtenant thereto..... (T)he terms "clearance, re-planning, reconstruction and rehabilitation" shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof. [GML §502].

The Village desires to exercise its power of eminent domain, if necessary, for the "acquisition" of all or portions of certain "real property", (as such quoted terms are defined in the "EDPL") located in the Village of Brewster, Town of Southeast, County of Putnam, State of New York and comprising approximately, and consisting of twenty-five (25_) tax parcels identifiable by the street addresses and tax identification numbers set forth on Exhibit "A" to the adopting resolution herein, (as well as published within the Notice of Public Hearing for the Public Hearing was conducted herein on February 17, 2021) and made a part hereof as if set forth in full herein (collectively, the "Parcels") in connection with serving the public use, benefit or purpose described herein. The Project primarily focuses on methods to achieve economic revitalization and stimulation, particularly in the core downtown area of the Village and with the URA. The Parcels are located in the core downtown area of the Village which is the existing B-1 Zoning District, and includes Main Street to Marvin Avenue, and extends from the MTA commuter rail station to the East Branch of the Croton River. The Plan encourages the development of a Transit Oriented Development ("TOD") for this area. The Plan also sets forth additional modifications for the other business and commercial districts within the Village, as well as additional traffic, pedestrian, and public parks improvements.

The Village has proposed to acquire the Parcels for the purpose of furthering economic development and revitalization in the Village, including, as appropriate, complimenting any public purpose contemplated by and consistent with the goals, strategies and objectives of the Village's Comprehensive Plan update and/or any other applicable plan and/or urban renewal plan, each of which are incorporated into this record by reference (collectively, the "Plans"), thus carrying out the purpose of the Village under the Act. The focus of the Plans include:

- Encourage Transit Oriented Development (TOD) and revitalize the Village, focusing on the existing downtown core and redeveloping substandard sites and buildings;
- Create jobs and career opportunities for Village and area residents;
- Provide new positive tax revenue to the Village, Town, County and School district;
- Provide a vibrant downtown and create a diversity of uses (live, work, shop, learn, and play);
- Restore and subsequently maintain the Village as a preeminent regional destination;

- Provide a mixed-use downtown setting to include residential, commercial, retail, hospitality, parks, open space, cultural, civic and other uses;
- Create and enhance Village gateways;
- Improve streetscapes and create a pedestrian friendly, “walkable” environment;
- Achieve the adaptive reuse of vacant buildings or rebuild where appropriate; and
- Create sustainable development by implementing smart growth and green building design elements in an economically viable plan.

The acquisition of the Parcels is within the Village’s statutory authority and will fulfill its statutory purposes. Although the Village reserves the right to pursue any and all public purposes, it is currently considering the potential exercise of its eminent domain authority to effectuate its URA and achieve, through the public/private partnership established by the LADA, the specific revitalization and redevelopment goals identified in the Village's Comprehensive Plan and the Studies referred to herein.

The Public Hearing and Comment Period

In accordance with the EDPL, on February 17, 2021 at 7:30 p.m., a duly noticed public hearing the ("Public Hearing") was held via Zoom Cloud Meeting at which all persons interested in the proposed exercise by the Village of its eminent domain authority had the opportunity to be heard. During the Zoom Cloud Meeting portion of the Public Hearing, the public was advised that the Hearing would continue for the submission to, and acceptance by, the Board of Trustees of written comments up to the close of business on February 24, 2021.

The comments received during the Zoom Cloud Meeting portion of the Public Hearing were largely in favor of the proposed implementation of the URP. In general, more than 15 speakers expressed their support of the URA. A sampling of those comments include reference to the redevelopment project as “transformative” and “exactly what the people are looking for”; it would be great to have the Village return to a place for children of long-term residents to return; the conceptual plans “look fantastic”; the Village is “desperate for revitalization”; the initial plans have “a lot of promise” and the Project will “raise property values”. All comments have been reviewed, made part of the record and accorded full consideration by the Village.

The EDPL does not require that the Village address in its determination and findings every specific concern or objection raised at the February 2021 Public Hearing. Below is a summary of certain of the comments, which are not verbatim, received during the Public Hearing which raised issues which the Board feels compelled to respond to.

1. Comment: Carl Finger, Esq., on behalf of the owner of a Parcel known as the Playhouse Theater at 52 Main Street, commented that the owner had made substantial improvements to the Parcel, that the Parcel was not appropriate for eminent domain since it was not deteriorated, and that the procedural steps being followed by the Village “lacked clarity”.

Response: The determination to acquire real property in this circumstance is based upon whether such acquisition would be in accordance with, and in furtherance of the

public purposes of the Urban Renewal Plan as adopted by the Village of Brewster Board of Trustees on May 18, 2016.

2. Comment: David Bruen, a partner in entities which own two Parcels in Phase 1 of the development, namely 35 Main Street and 15 Park Street, questioned whether there would be a mechanism in place prior to the Village's exercise of its eminent domain authority for the relocation of tenants of those properties.

Response: Prior to the Village's exercise of its eminent domain authority, rights of tenants and other parties in possession would be governed by private agreement between a Parcel owner and the developer. Pursuant to the LADA, from and after a Privately Owned Parcel Closing the Village, as permitted by law, shall assist Covington with the performance of all Relocation Activities required in order to obtain vacant possession of all the Privately Owned Parcels, including relocation activities required as a result of environmental review requirements and other applicable law. In addition, pursuant to GML §505 and §970-j, the approval by the Village of the URP included a provision for a feasible plan for relocation of displaced persons.

3. Comment: Gary Kropkowski, Esq., former Village Attorney, cautioned the Board to ensure compliance in all respects with the Village's obligations to the NYCDEP under existing agreements.

Response: as referred to above, the Village has entered into an agreement with the NYCDEP and the County of Putnam related to various parcels to be conveyed to the Village which includes an obligation on the Village's part to convert a parking lot on certain NYCDEP property, shown as Tax Parcel, Section 67.11, Block 2, Lot 3, to stormwater pollution prevention facilities with Post Construction Treatment , and otherwise refers specifically to existing permits and approvals affecting the lands to be conveyed to the Village.

4. Comment: Richard Skjerli, Pastor of Grace Community Church advised the Board that his church would be relocating to the Episcopal Church, St. Andrews, in the Village and would like the Village's assistance in determining that the new location would be exempt from real estate taxes.

Response: as stated by the Mayor at the conclusion of the Zoom Cloud Meeting portion of the Public Hearing, Mr. Skjerli is encouraged to contact the Mayor for an appointment to discuss assessment considerations.

5. Comment: Thomas Sprague, owner of the Parcel known as Bob's Diner, and Steve Priest, owner of the Brewster Pool Hall Parcel, expressed concern that long-standing businesses such as theirs, which have been part of the fabric of the Village, could be lost. Mr. Sprague encouraged Parcel owners to "get appraisals" to protect their interests. Mr. Sprague stated in a second comment that the developer's team had been negotiating with him to find a way to preserve his business.

Steven Priest, owner of the Parcel known as Jack and Jill Amusement Center and Billiard Room, also expressed concern with the loss of long-standing businesses and the history of the Village, as well as the effect of the project on the resale value of his business.

Jefferey Nesheiwat, spoke on behalf of his father the owner of 66-70 Main Street and similarly expressed concerns about preserving the history and sense of community and valuing the property.

Response: It is the Board's understanding that the developer is in the process of negotiating for the purchase of various Parcels in the Project Area. These negotiations involve private parties and the Board cannot dictate terms that the developer would be obligated to accept. The Board is, however, hopeful that existing businesses will be successful in reaching mutually accepted terms for the continuation of their businesses at their current or alternate locations.

6. Comment: Ilir Cubi, the owner of 5 Park Street commented that the situations caused by Covid should be considered, concern for tenants and that the improvements made by the owners should be appreciated and accounted for in the offering price.

Response: See Responses to #2 and #5 above.

7. Comment: Thomas Antonecchia, Esq., on behalf of Tamarabros, LLC, owner of 55-61 Main Street, stated that the owner, acting through its principal, Marta J. Guerra, has been an asset to the community, had purchased the property from Putnam County in an in rem tax proceeding and was not advised at any time of the Urban Renewal Plan affecting Village Parcels, and questioned why "investors" did not actively pursue purchasing the Parcel.

Although not raised in Mr. Antonecchia's comments, the Board notes that, while not raised at the public hearing, the owner has filed Notices of Claim naming the Board of Trustees and the Village of Brewster, the County of Putnam and the Putnam County Clerk; filed a claim against Court Street Abstract, Inc., the title agent, and Old Republic National Title Insurance Company, the underwriter, under their Owners Title Insurance policy; by letter dated January 20, 2021, reserved the right to make a claim against those same parties named above and, the Putnam County Attorney and Covington; in each case asserting a claim that it has been damaged since the recorded Memorandum of the LADA was not raised in its title policy. Mr. Antonecchia also submitted correspondence within the one-week written comment period claiming that the process of acquisition of property by eminent domain in furtherance of the public purposes of the Urban Renewal Plan is unconstitutional, is not in furtherance of a public purpose, is racially discriminatory and/or that the Village is estopped from acquiring such properties via eminent domain.

Response: The Village has, throughout its Urban Renewal and Comprehensive Plan processes, duly noticed all public hearings required by law, and has held public

informational meetings to elicit input from the public. Neither the Village nor Covington, absent any bad faith, collusion or fraud on its part, have any responsibility to insure that documents recorded in the Putnam County Clerk's Office are properly indexed, if in fact they were not properly indexed. Further the LADA has been filed/indexed in the Office of the Clerk of the County of Putnam on March 6, 2017 at Document No.1500599. In addition, all proceedings to date with respect to the potential acquisition of real property via eminent domain have been in accordance with the provisions of NY Eminent Domain Procedure Law.

EDPL SECTION 204 DETERMINATION AND FINDINGS

Based on all of the foregoing, and following the conclusion of the duly noticed Public Hearing, which was held via Zoom Cloud Meeting and continued to and including February 24, , 2021 for submission of written comments, the Village Board of trustees makes the following specific determination and findings (collectively, the "Determination and Findings") concerning the Project pursuant to EDPL Section 204:

I. The Public Use, Benefit or Purpose To Be Served by the Project [EDPL §204(B)(1)]

The proposed acquisition of the Parcels in connection with the undertaking of the Project will serve a public use, benefit and purpose because it will advance the overall general prosperity and economic and social welfare of the residents of the Village by returning the underutilized Parcels to productive use and promote overall improvement in the use, value and marketability of all Parcels within the Project Area, thereby advancing the goals and purposes of the Village Comprehensive Plan by: (i) combating economic stagnation through stimulating, promoting and/or supporting new and/or existing economic revitalization and redevelopment efforts; (ii) advancing employment opportunities; (iii) increasing, broadening and strengthening the Village's economy and housing opportunities; (iv) enhancing the overall functionality and/or attractiveness of the area and surrounding area; and/or (v) as appropriate, may include, but not limited to, complimenting and/or advancing any public purpose contemplated by the Plans.

II. Location of the Project and Reasons or Selection of that Location [EDPL §204(B)(2)].

The location of the Project is in the Village and identifiable by the street addresses and tax identification numbers shown on Exhibit "A" to the adopting resolution herein, (as well as published within the Notice of Public Hearing for the Public Hearing was conducted herein on February 17, 2021) and made a part hereof as if set forth in full herein. Such location was based upon the proximity of the Parcels to other existing and/or potential economic revitalization and redevelopment efforts and existing infrastructure. No alternative locations exist in the Village that are being considered for the Project.

III. General Effect of the Project on the Environment and Residents of the Locality (EDPL §204 (B)(3)].

A Final Generic Environmental Impact Statement (“FGEIS”) for the Project was prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations (6 NYCRR Part 617). Under SEQRA regulations, the FGEIS serves as the basis for the Lead Agency for this environmental review. The FGEIS responded to all comments made on the Draft Generic Environmental Impact Statement (“DGEIS”). Under SEQRA, a “Generic” EIS or GEIS is prepared when a proposed action represents a comprehensive program having wide application and does not involve site-specific land development projects. While the CPU identifies a vision for revitalization with conceptual ideas as well as goals and strategies to achieve the desired outcome, it is a village-wide plan and, therefore, is more generic in nature than a site-specific plan.

By resolution duly adopted on June 17, 2015 (the "Village SEQRA Resolution") and the completed the FGEIS after considering the DGEIS, the comments and advice submitted thereon from the Putnam County Department of Planning and Development, VHB Engineering, Surveying and Landscape Architects, P.C. and the Land Use Law Center at Pace Law School, comments from various community organizations, and comments received from the public and various organizations at public engagement sessions and comments received from interested agencies. The Village, under Article 8 of the New York Environmental Conservation Law and associated regulations promulgated thereunder (collectively known hereafter as "SEQRA"), found that the Project constituted a Type I Action as defined under 6 NYCRR Part 617.

The Village further found that the potential impacts resulting from the Project as analyzed in the DGEIS and incorporated into the FGEIS are as follows: (i) the Project will not have any significant adverse environmental impacts; and (ii) no environmental impact statement need be prepared for such action. Such determination of the Village constituted the adoption of a Negative Declaration for purposes of SEQRA and no further review or action is required pursuant to SEQRA with respect to the Project. The Village SEQRA Resolution and the FGEIS, together with any other documents and information on which they are based, is incorporated herein by reference and made a part hereof.

The general effect on the environment of the Village's proposed acquisition of the Parcels is that the acquisition will have no significant adverse effect on the environment. Any potential impacts from any future development of the Parcels will be appropriately addressed in accordance with applicable land use and zoning approvals and under SEQRA once the particulars of any such development of the Parcels are known, and such review will be no less protective of the environment. The acquisition of the Parcels and potential future development of the Parcels will positively impact the residents of the Village, thereby advancing housing opportunities, creation of additional job opportunities, replacement of properties which are non-conforming under current Zoning regulations, provision of additional off-street parking for convenience of employees of businesses and residents within the area as well as visitors, promote transit oriented development, and otherwise support the general prosperity and economic welfare of the Village's residents and property owners. Any specific impacts to residents of the Village created by future projects on the Parcels will be appropriately addressed under the Village's zoning laws and SEQRA.

IV. Other Relevant Factors [EDPL § 204 (B)(4)].

The Village has given due consideration to the comments received during the February 2021 Hearing. In addition, the Village has taken into account public opinion and concerns, if any, expressed through the SEQRA process associated with the Project.

Conclusion

Based on due consideration of the foregoing, the Village hereby makes its Determination and Findings in accordance with the EDPL in connection with the acquisition of the Parcels by condemnation, if necessary, in connection with the undertaking of the Project.

Dated: March 17, 2021